IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 11366 of 2004

Between:

Ginjupalli Srihari Rao, S/o Kotaiah,
Abbinenigunta Palem, Pedanandipadu Mandal,

Guntur District.

..... PETITIONER

AND

1 The Asst. Commissioner of Endowments, Guntur.
2 Sri Venugopala & Anjaneya Swamy Temple, Abbinenigunta Palem, Pedanandipadu mandal, Guntur District, rep. by its Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring action of the respondent No.2, in conducting the public auction of the lands an extent of Ac. 2-56 cents of Dry land in Sy.No. 213 in spite of the fact that, the petitioners application before the 1st respondent for being declared as landless poor in pending adjudication, as illegal , void and against to Rules issued in G.O.Ms.No. 379 dated 11-3-2003 and against to the circulars issued by the Commissioner of Endowments and consequently direct the respondents No.1 to strictly adhere the rules framed under G.O.Ms.No. 379 and to dispose the application of the petitioner for being declared as landless poor at an earliest date and to allow the petitioner to get all consequential benefits accrued to the petitioner in case the petitioner being declared as landless poor.

Counsel for the Petitioner: Mr.N.GURU GOPAL

Counsel for the Respondent No.1: SMT.N.INDRANI

Counsel for the Respondent No.2 : GP for Endowments.

The Court made the following :

ORDER:

The petitioner claims to be the tenant in respect of Acs.2.56 cents of land belonging to the 2nd respondent-temple. He states that he is a landless poor person, and therefore, he is entitled to purchase the said land on payment of 3/4th of the market value. He also claims that he made an application before the Assistant Commissioner of Endowments, Guntur, on 30-05-2003 to declare him as landless poor person and the same is pending. The grievance of the petitioner is that in the meanwhile, the 2nd respondent-temple proposed to conduct an auction in respect of the land in question.

In the circumstances, he filed this Writ petition seeking a declaration that the action of the 2nd respondent-temple in conducting a public auction as arbitrary and illegal.

This court while issuing notice before admission, ordered that the petitioner shall not be evicted and that the proposed auction shall also be stayed.

I have heard the learned counsel for the petitioner and the learned standing counsel appearing for the 2nd respondent-temple.

Having regard to the facts and circumstances of the case and particularly keeping in view that the application made by the petitioner before the 1st respondent claiming that he is a landless poor person is pending, I deem it appropriate to dispose of the Writ petition with a direction to the 2nd respondent-temple to consider the application of the petitioner and to pass appropriate Orders in accordance with law as expeditiously as possible within a period of four weeks from the date of receipt of a copy this order. Till such Orders are passed, the petitioner shall not be evicted from the land in question and that the lease-hold rights in respect of the land in question shall not be put to auction.

Accordingly, the Writ petition is disposed of. No order as to costs.

(G.ROHINI,J)

29-07-2004.

TSY

To

1. The Asst. Commissioner of Endowments,

Guntur.

2. Two CCs to the GP for Endowments,

High Court Buildings,Hyderabad (O.U.T.).

3. Two CD Copies.